

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SAMUEL SMOLEN,

Plaintiff,

-against-

SHANIKQUA HARRISON, et al.,

Defendants.

ORDER

17-CV-07494 (PMH)

PHILIP M. HALPERN, United States District Judge:

The Court held a final pretrial conference on November 28, 2022 in Courtroom 520. Counsel for all parties appeared. As explained more fully on the record during the appearance, the Court directs as follows:

1. The Joint Pretrial Order at Doc. 157 is deemed amended in that:
 - The parties shall have 15 minutes each to examine C.O. Vincent Tyer and O.R.C. Benjamin Matthew (pages 6-7);
 - Plaintiff's Exhibit 1 begins at Bates Number DEFENDANTS 050 (page 7);
 - Defendants' Exhibit Q begins at Bates Number DEFENDANTS 0230 (page 8).
2. The parties shall meet and confer to ensure Plaintiff's physical appearance at trial and, accordingly, file a revised Writ of Habeas Corpus Ad Testificandum for the Court's consideration.
3. The parties shall meet and confer regarding the two remaining objections in the Second Amended Proposed Joint Jury Instruction (Doc. 155) and file, by 5:00 p.m. on **December 1, 2022**, a Third Amended Proposed Joint Jury Instruction, reflecting the Court's conclusions as discussed on the record. (*See Transcript*). The parties shall also revise the Jury Instruction so that each charge is numbered sequentially.

SO ORDERED:

Dated: White Plains, New York
November 29, 2022



PHILIP M. HALPERN
United States District Judge